

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MANNY PASTREICH, AS TRUSTEE, et al.,

Plaintiffs,

-against-

BRADLEY TECHNOLOGIES
INCORPORATED,

Defendant.

23-cv-4127 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

On January 31, 2024, Plaintiffs filed a motion for partial summary judgment on the issues of “liability, delinquencies owed, and contractual and statutory remedies available.” Dkt. 52. This case involves allegedly unpaid contributions under ERISA. Defendant has made some payments, but Plaintiffs say some amount remains outstanding. And though discovery in this case closed in September 2023, the parties’ summary-judgment briefs indicate that an audit of Defendant’s books remains ongoing.

By **April 10, 2024, at 5:00 p.m.**, the parties shall submit a joint letter, **not to exceed three pages**, addressing the following issues: (1) whether the audit has been completed, (2) if not, when the parties anticipate that the audit will be completed, (3) whether Defendant acknowledges liability for at least *some* unpaid contributions in violation of ERISA, (4) whether Plaintiffs contend that the Court could decide delinquencies owed on this motion while the audit remains outstanding and, if so, how the Court could do so, and (5) whether Plaintiffs contend that the Court could decide liquidated damages, attorneys’ fees, and costs if the amount of delinquencies owed remains unresolved.

If there are likely to be disputes over the audit and other issues even after the audit, the parties should consider whether summary judgment presents a viable path to resolving any issue in this case. The parties should consider whether it would be more expedient to proceed to trial or, perhaps even more expedient, to settle the case. If the parties would like to participate in a settlement conference with the Court or with Magistrate Judge Netburn, they should indicate that in their letter.

SO ORDERED.

Dated: April 3, 2024
New York, New York

A handwritten signature in black ink, appearing to read 'Arun Subramanian', is written above a horizontal line.

ARUN SUBRAMANIAN
United States District Judge